

STAFF REPORT TO COUNCIL

1100 Patricia Blvd. | Prince George, BC, Canada V2L 3V9 | www.princegeorge.ca

DATE: October 25, 2023

TO: MAYOR AND COUNCIL

NAME AND TITLE: WALTER BABICZ, CITY MANAGER

SUBJECT: Proposed Code of Conduct Bylaw

ATTACHMENTS: Appendix “A” – PowerPoint Presentation from Young Anderson, Barristers & Solicitors (handout)
Appendix “B” – Staff Report to Council dated March 17, 2023 from the City Manager, titled “Council Code of Conduct” (considered at the April 12, 2023 Council meeting)

RECOMMENDATION:

That Council GIVES FIRST THREE READINGS to “City of Prince George Code of Conduct Bylaw No. 9439, 2023.”

PURPOSE:

For Council’s consideration of a new Code of Conduct Bylaw to replace the existing Council Code of Conduct Policy.

DISCUSSION:

Background

At the April 12, 2023 Council meeting, Council considered the attached Staff Report to Council dated March 17, 2023, and passed the following resolution:

That Council, after considering the prescribed principles for codes of conduct set out in the Principles for Codes of Conduct Regulation 136/2022, DIRECTS Administration to undertake a review of the existing Council Code of Conduct Policy, as attached to the report dated March 17, 2023 from the City Manager, titled “Council Code of Conduct” and to report back to Council with recommendations.

Carried Unanimously

As noted in the attached Staff Report to Council, the current Council Code of Conduct Policy was established in 2013 and there have been no amendments to the Policy since it was adopted. In 2013, the City of Prince George was an early adopter of a Code of Conduct Policy and at that time there remained some uncertainty regarding the procedures and authority related to censure and sanctions, and other best practices relating to enforcement. Therefore, the current Code of Conduct Policy was drafted to be quite general, and it lacks specificity on processes and procedures with respect to informal and formal dispute resolution.

With the benefit of significant research done in 2021 by the Working Group on Responsible Conduct (referenced in the attached report), together with legislative changes in 2022, Administration recommends several significant amendments to the current Code of Conduct such that it would be more appropriate to now replace the existing Code with an entirely new Code of Conduct.

Proposed New Code of Conduct Bylaw

Administration recommends replacing the existing Code of Conduct Policy with a new Code of Conduct Bylaw, as referenced in the recommendation above. A bylaw provides more certainty and is more enforceable than a policy.

The proposed City of Prince George Code of Conduct Bylaw No. 9439, 2023, sets out complaint and resolution procedures and includes several sanctions that may be imposed for a breach of the Bylaw. The Code of Conduct Bylaw also includes circumstances where an independent third-party solicitor or investigator may be appointed, to help ensure neutrality when processing complaints.

The proposed Code of Conduct Bylaw contemplates the possibility that a sanction of reduced remuneration may be imposed by Council on one of its members who contravenes the Bylaw, in certain circumstances. If Council approves giving the proposed Bylaw first three readings, then Administration will return to Council with proposed amendments to the Council Remuneration Bylaw for Council's consideration to complement the Code of Conduct Bylaw.

Mr. Reece Harding, a lawyer with Young Anderson, Barrister and Solicitors, will be in attendance to present the proposed Council Code of Conduct Bylaw and assist with answering questions from Council.

FINANCIAL IMPLICATIONS:

There are budget implications in connection with retaining an independent solicitor and investigator to process complaints submitted under the proposed Code of Conduct Bylaw. Staff recommend that in 2024, those expenses will be absorbed within the 2024 operating budget and contingencies. Staff will use the 2024 expense experience to inform the recommended budget for these expenses in future years.

SUMMARY AND CONCLUSION:

As directed by Council, staff have undertaken a review of the existing Code of Conduct Policy and recommend replacing that policy with City of Prince George Code of Conduct Bylaw No. 9439, 2023.

RESPECTFULLY SUBMITTED:

Walter Babicz, City Manager

Meeting Date: 2023/12/04